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February 23, 2023

BY ECF

The Honorable John P. Cronan
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007-1312

RE: United States v. David Mendez, 22 CR 464

Your Honor:

We write on behalf of our client, David Mendez in response to the Court's request for a status report, ECF No. 39, and to request that Mr. Mendez's conditions of release be modified to order him to report to Serendipity for in-patient alcohol abuse treatment. Pre-trial services and the government have informed us that they do not object to the proposed modification to Mr. Mendez's bail.

Serendipity has affirmed that Mr. Mendez's conviction for conspiracy to possess an unregistered Molotov cocktail does not prohibit him from receiving in-patient treatment at their facility and has formally accepted Mr. Mendez for treatment beginning Monday, February 27, 2023. Enclosed as Exhibit A is Mr. Mendez's acceptance letter.

Like the other long-term, in-patient facilities the Court has approved, Serendipity is licensed by the New York Office of Alcohol and Substance Abuse

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Services. Serendipity's in-patient facility for men is located in the Brownsville-Ocean Hill neighborhood of Brooklyn.¹ Its program consists of weekly individual counseling sessions; group therapy workshops on topics such as relapse prevention, anger management and conflict resolution; and referrals for education and vocational programs. Attached as Exhibit B is a program brochure provided by Serendipity.

Mr. Mendez will be restricted to the premises of Serendipity during an initial adjustment period, after which he will have the ability to earn the occasional day pass on the weekends. His treatment at Serendipity would last between 6 to 12 months, depending on his ability to meet program milestones.

Mr. Mendez's sentencing is currently scheduled for October 31, 2023, which was the expected end-date of his prior treatment program. Given the possibility that Mr. Mendez will complete his treatment as soon as August 27, 2023, we will confer with Serendipity regarding Mr. Mendez's treatment plan and notify the Court if an earlier sentencing may be appropriate.

Accordingly, we respectfully request that the Court modify the conditions of Mr. Mendez's bail such that he be ordered to report to Serendipity for in-patient alcohol abuse treatment.

Respectfully submitted,

/s/ Christopher Gunther
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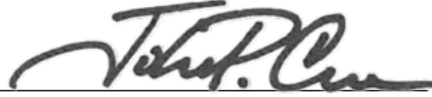
cc: All counsel of record (by ECF)

¹ The address for Serendipity's male in-patient facility is 2071 Fulton Street, Brooklyn, NY 11233.

The request is granted. Defendant's bail conditions are modified to allow him to complete the required in-patient alcohol abuse treatment at Serendipity. Defendant shall report to Serendipity by February 27, 2023 to begin treatment.

SO ORDERED.

February 23, 2023
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge